

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

2020 OCT 20 PM 3: 29

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENIA IDELCA AVILA,
JESSICA ELIZABETH WISE,
ELLIS LATRENT RAY, II,
JERRY MCCALLISTER, and
DANIEL GARY ALLDER,

Defendants.

CASE NO. 2:20-cr-126

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

CHIEF JUDGE MARBLEY

SUPERSEDING INDICTMENT

18 U.S.C. §§ 1201(c) and (d)

18 U.S.C. § 2

18 U.S.C. § 371

18 U.S.C. § 1512(k)

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment:

1. The defendants, **DENIA IDELCA AVILA** ("AVILA"), **JESSICA ELIZABETH WISE** ("WISE"), **JERRY MCCALISTER, Jr.** ("MCCALLISTER"), resided in or near Columbus, Ohio, within the Southern District of Ohio.

2. The defendant, **ELLIS LATRENT RAY, II** ("RAY"), resided in or near Canal Winchester, Ohio, within the Southern District of Ohio.

3. The defendant, **DANIEL GARY ALLDER** ("ALLDER"), initially resided in or near Atlanta, Georgia, but later relocated to in or near Columbus, Ohio.

4. From in or about 2014 until in or about May 2019, **AVILA** and **VICTIM #1** were in a romantic relationship.

5. On or about December 22, 2014, **VICTIM #1** was deported from the United States and returned to Mexico. **AVILA** joined him shortly thereafter in Mexico. In or about January

2015, AVILA arranged for a “coyote” or smuggler to transport VICTIM #1 across the United States’ border illegally in exchange for several thousand dollars. Once back in the United States, AVILA and VICTIM #1 returned to the Columbus, Ohio area.

6. Because of VICTIM #1’s illegal status in the United States, AVILA’s suspended driver’s license, and possible insurance benefits, vehicles shared by the couple, including a white 2013 Cayenne Porsche and a blue 2012 EOS Volkswagen, were registered using the identity of another person that VICTIM #1 obtained. After their breakup, VICTIM #1 maintained in his possession the titles to these vehicles; AVILA kept the actual vehicles.

7. Beginning in at least September 2019, VICTIM #1 and VICTIM #2 were in a romantic relationship after having met at their place of employment. During this same month, AVILA learned of their relationship.

8. From in or about September 2019 through in or about November 2019, AVILA engaged in, and caused others to engage in, harassment and surveillance of VICTIM #1 and VICTIM #2.

COUNT 1
(Conspiracy to Commit Kidnapping)

9. The factual allegations contained in Paragraphs 1 through 7 of the Introduction Section of this Indictment are re-alleged and fully incorporated by reference herein.

10. From at least November 13, 2019 and continuing until at least December 4, 2019, in the Southern District of Ohio, the defendants, **DENIA IDELCA AVILA, JESSICA ELIZABETH WISE, ELLIS LATRENT RAY, II, and JERRY MCCALLISTER, Jr.**, did knowingly and intentionally combine, conspire, and agree with each other and with other persons known and unknown to the Grand Jury, including Michael Keith Ousley (“Ousley”), to unlawfully and willfully seize, confine, kidnap, abduct and carry away VICTIM #1, known to the Grand Jury,

and hold for ransom, reward or otherwise, to wit, for AVILA's own benefit and purpose, in violation of 18 U.S.C. § 1201(a).

11. In furtherance of the conspiracy, and to effect its object, the defendants committed one or more of the following overt acts:

a. From at least on or about November 17, 2019 and continuing on November 30, 2019, AVILA conducted numerous online searches researching various topics, including "where to buy hand cuffs and feet shackles," "The Hilliard Police," "army surplus stores," "ice costume," "ICE Federal Agent Halloween Costume," "ice coat," "ice costume," "Immigration costume," "immigration officer uniform," "immigration officer jacket," "ice immigration," "cousins army navy and surplus store," "army surplus store," "police lights for sale," "police ice vest," as well as searches for emergency lights, plate carriers, and bulletproof vests.

b. On or about November 22, 2019, AVILA and WISE discussed, both in person and over cellular telephones, a plan to kidnap VICTIM #1 and VICTIM #2.

c. On or about November 24, 2019, WISE reached out by cellular telephone to Ousley for the purpose of connecting Ousley with AVILA.

d. On or about November 24, 2019, RAY contacted Co-conspirator #1, an individual known to the Grand Jury, via cellular telephone. That same day, AVILA and RAY approached and recruited Co-conspirator #1 for participation in the kidnapping of VICTIM #1.

e. On or about November 24, 2019, Co-conspirator #1 recruited Co-conspirator #2, an individual known to the Grand Jury, to participate in the kidnapping of VICTIM #1 as well.

f. On or about November 24, 2019, **AVILA, RAY** and Co-conspirator #1 traveled to the residence of VICTIM #1 and VICTIM #2 as part of the preparation for the kidnapping of VICTIM #1.

g. On or about November 25, 2019, **AVILA, RAY**, Co-Conspirators #1 and #2, as well as Co-conspirator #3, an individual known to the Grand Jury, traveled together to the residence of VICTIM #1 and VICTIM #2 for the purpose of kidnapping VICTIM #1.

h. On or about November 25, 2019, **RAY** and Co-conspirators #1, #2 and #3 exited the vehicle and approached the residence and vehicle of VICTIM #1. Co-conspirator #1 used a Taser, provided by **AVILA**, in an attempt to subdue VICTIM #1.

i. Between on or about November 25, 2019 and December 3, 2019, Ousley conducted surveillance of VICTIM #1.

j. On or about November 29, 2019, **AVILA** traveled to Surplus World, Inc. in Columbus, Ohio and purchased two utility belts, one set of two “police” badges (patches), and two U.S. Immigration patches.

k. On or about November 30, 2019, **AVILA** and Ousley traveled to General Merchandise in Pataskala, Ohio, where **AVILA** purchased a black plate carrier (used with bullet proof vests) and Ousley tried on shirts.

l. On or about November 30, 2019, **AVILA** and Ousley met at a hotel in Columbus, Ohio and discussed the plan to kidnap VICTIM #1. Ousley also tried on the police clothing, including a shirt and Immigration/ICE hat that **AVILA** purchased.

m. From on or about December 2, 2019 and continuing until December 5, 2019, Ousley and **MCCALLISTER** communicated using cellular telephones about the plan to kidnap at least VICTIM #1.

n. On or about December 4, 2019, **AVILA, MCCALLISTER** and Ousley traveled to the residence of VICTIM #1 and VICTIM #2 for the purpose of kidnapping at least VICTIM #1.

o. On or about December 4, 2019, during the attempted kidnapping, one or more of the defendants wore black jackets with “police” patches and showed a piece of paper with VICTIM #1’s picture on it to VICTIM #2 while shouting “police.”

In violation of 18 U.S.C. § 1201(c).

COUNT 2
(Attempted Kidnapping)

12. The factual allegations contained in Paragraphs 1 through 7 of the Introduction Section of this Indictment as well as the allegations set forth in Count 1 are re-alleged and fully incorporated by reference herein.

13. On or about November 25, 2019, in the Southern District of Ohio and elsewhere, the defendants, **DENIA IDELCA AVILA, ELLIS LATRENT RAY, II**, and others both known and unknown to the Grand Jury aiding and abetting each other and others, did attempt to unlawfully and willfully seize, confine, inveigle, kidnap, abduct, and carry away VICTIM #1, and hold for ransom, reward, and otherwise, to wit: for **AVILA**’s own benefit and purpose, and did use means, facilities, and instrumentalities of interstate commerce in committing and in furtherance of the commission of said offense, including cellular telephones.

In violation of 18 U.S.C. §§ 1201(d) and 2.

COUNT 3
(Attempted Kidnapping)

14. The factual allegations contained in Paragraphs 1 through 7 of the Introduction Section of this Indictment as well as the allegations set forth in Count 1 are re-alleged and fully incorporated by reference herein.

15. On or about December 4, 2019, in the Southern District of Ohio and elsewhere, the defendants, **DENIA IDELCA AVILA** and **JERRY E. MCCALISTER, Jr.**, as well as Michael Keith Ousley, aiding and abetting each other, did attempt to unlawfully and willfully seize, confine, inveigle, kidnap, abduct, and carry away VICTIM #1, and hold for ransom, reward, and otherwise, to wit: for AVILA's own benefit and purpose, and did use means, facilities, and instrumentalities of interstate commerce in committing and in furtherance of the commission of said offense, including cellular telephones.

In violation of 18 U.S.C. §§ 1201(d) and 2.

COUNT 4
(Conspiracy to Impersonate an Agent of the United States)

16. The factual allegations contained in Paragraphs 1 through 7 of the Introduction Section of this Indictment as well as the allegations set forth in Count 1 are re-alleged and fully incorporated by reference herein.

17. From at least on or about November 25, 2019 and continuing until on or about December 4, 2019, in the Southern District of Ohio, the defendants, **DENIA IDELCA AVILA** and **JERRY E. MCCALISTER, Jr.**, as well as Michael Keith Ousley, did knowingly and intentionally conspire and agree together to commit an offense against the United States, that is, the impersonation of a federal officer or agent for purposes of making an arrest, in violation of 18 U.S.C. § 913.

Manner and Means

18. It was part of the conspiracy that AVILA shared with Ousley and others known to the Grand Jury that VICTIM #1 was not present in the United States legally.

19. It was part of the conspiracy that AVILA researched online information about police and U.S. Immigration and Enforcement (ICE).

20. It was part of the conspiracy that Ousley tried on shirts, hats and other attire bearing police and immigration logos before the attempted kidnapping of VICTIM #1.

Overt Acts

21. In furtherance of the conspiracy, the defendants committed the following overt acts:

a. From at least on or about November 17, 2019 and continuing on November 30, 2019, AVILA conducted numerous online searches researching various topics, including “where to buy hand cuffs and feet shackles,” “The Hilliard Police,” “army surplus stores,” “ice costume,” “ICE Federal Agent Halloween Costume,” “ice coat,” “ice costume,” “Immigration costume,” “immigration officer uniform,” “immigration officer jacket,” “ice immigration,” “cousins army navy and surplus store,” “army surplus store,” “police lights for sale,” “police ice vest,” as well as searches for emergency lights, plate carriers, and bulletproof vests.

b. On or about November 29, 2019, AVILA traveled to Surplus World, Inc. in Columbus, Ohio and purchased two utility belts, one set of two “police” badges (patches), and two U.S. Immigration patches.

c. On or about November 30, 2019, AVILA and Ousley traveled to General Merchandise in Pataskala, Ohio, where AVILA purchased a black plate carrier (used with bullet proof vests) and Ousley tried on shirts.

d. On or about November 30, 2019, **AVILA** and Ousley met at a hotel in Columbus, Ohio and discussed the plan to kidnap VICTIM #1. Ousley also tried on the police clothing, including a shirt and Immigration/ICE hat that **AVILA** purchased.

e. On or about December 4, 2019, **AVILA**, **MCCALLISTER** and Ousley attempted to kidnap VICTIM #1 while wearing black jackets with “police” patches and showing a picture of VICTIM #1 and shouting “police.”

In violation of 18 U.S.C. § 371.

COUNT 5
(Conspiracy to Witness Tamper)

22. The factual allegations contained in Paragraphs 1 through 8 of the Introduction Section of this Indictment as well as the allegations set forth in Count 1 are re-alleged and fully incorporated by reference herein.

23. On December 5, 2019, Hilliard Police Department detectives made contact with **AVILA** in connection with the events alleged in Counts 1, 2, and 3 of the Indictment.

24. On December 12, 2019, **AVILA** was charged by way of indictment in the Franklin County Court of Common Pleas in connection with the events alleged in Counts 1, 2, 3 of the Indictment.

25. Beginning on or about December 6, 2019, and continuing through at least June 9, 2020, **AVILA** and **ALLDER** communicated, and caused to be communicated, including by telephone, text messages, and multimedia messages, information regarding VICTIM #1 to Immigration and Customs Enforcement (ICE), in order to cause ICE to initiate an investigation of VICTIM #1, and with the ultimate goal of causing the deportation of VICTIM #1.

26. On July 14, 2020, AVILA was charged in connection with the events alleged in Counts 1, 2, 3, and 4, in the United States District Court for the Southern District of Ohio, by indictment returned by a grand jury.

27. Beginning on at least July 14, 2020 and continuing until at least on or about August 25, 2020, in the Southern District of Ohio, and elsewhere, the defendants, DENIA IDELCA AVILA and DANIEL ALLDER, did unlawfully, knowingly, and willfully combine, conspire, and agree together to obstruct, influence, and impede, or attempt to do so, an official proceeding, to wit: a Federal Grand Jury Investigation and proceeding before a judge or court of the United States, in violation of 18 U.S.C. § 1512(c)(2), through continued communications, both telephonic and electronic, with ICE regarding VICTIM #1, to include providing photographs of VICTIM #1's vehicle and residence taken by ALLDER while conducting surveillance, in order to cause ICE to pursue an investigation of VICTIM #1, and with the ultimate goal of causing the deportation of VICTIM #1 and thus, his unavailability for participation in any official proceedings.

All in violation of Title 18, United States Code, §§ 1512(k) and 2.

A TRUE BILL

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